

REMARKS/ARGUMENTS

Claims 11 – 30 are pending in the application. Claims 11 – 20 and 25 – 30 are rejected and claims 21 – 24 are objected to. Claim 13 has been amended. No new matter has been added. The amendment and the remarks below place the application in condition for allowance.

Rejections under 35 U.S.C. §112, second paragraph

Claim 13 is rejected under 35 U.S.C. §112, second paragraph as indefinite. Claim 13 has been amended to overcome the rejection by further defining the elements of the claim.

Rejections under 35 U.S.C. §103

Claims 11, 13 – 20, and 25 – 30 stand rejected under 35 U.S.C. §103 in view of the combination of Barney et al. '950, DiChiara et al. '104, and Davis et al. '496. However, none of the three cited references qualify as proper prior art for an obviousness rejection.

Pursuant to 35 U.S.C. §103(c), for applications filed after November 29, 1999, such as the present application, references that qualify as prior art under 35 U.S.C. §102(e), (f) or (g) cannot properly be cited to support an obviousness rejection if the subject matter of the reference and the pending application were commonly owned at the time of the invention. The present application is assigned to The Boeing Company as evidenced by the assignment recorded in the parent application 10/291,929 of this divisional application on 11/11/2002 at Reel 013493, Frame 0525.

Barney '950 was assigned to The Boeing Company and such assignment was subsequently recorded on 02/06/2002 at Reel 012583, Frame 0327 and issued after the filing date of the present application, based upon an application filed in the USPTO on February 6, 2002. As such, the present application and Barney '950 are commonly owned as required by 35 U.S.C. §103(c) and as further explained by Section 706.02(l) of the MPEP. As such, Barney '950 cannot properly be cited in support of an obviousness rejection under 35 U.S.C. §103.

DiChiara '104 is assigned to The McDonnell Douglas Corporation and such assignment was subsequently recorded on 03/17/1997 at Reel 8401, Frame 0878 and issued after the filing date of the present application, based upon an application filed in the USPTO on April 29, 1994.

As evidenced by the declaration of Charles T. Silberberg submitted herewith, McDonnell Douglas Corporation is currently a wholly owned subsidiary of The Boeing Company just as it was at the time of invention reflected by the present application. As such, the present application and DiChiara '104 are commonly owned as required by 35 U.S.C. §103(c). As such, DiChiara '104 cannot properly be cited in support of an obviousness rejection under 35 U.S.C. §103.

Davis '496 (now U.S. Pat. No. 6,716,407) was assigned to The Boeing Company and such assignment was subsequently recorded on 06/18/2001 at Reel 011918, Frame 0953 and issued after the filing date of the present application, based upon an application filed in the USPTO on January 18, 2001. As such, the present application and Davis '496 are commonly owned as required by 35 U.S.C. §103(c). As such, Davis '496 cannot properly be cited in support of an obviousness rejection under 35 U.S.C. §103.

Whereas none of the cited references may be properly cited in support of an obviousness rejection under 35 U.S.C. §103, it is submitted that the obviousness rejection has been obviated.

Conclusion

In view of the amended claims and the remarks presented above, Applicants submit that the present set of claims is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

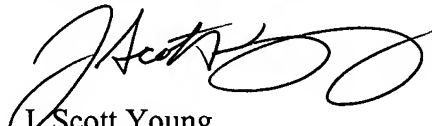
Appl. No.: 10/611,493

Filed: July 1, 2003

Page 8

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


J. Scott Young
Registration No. 45,582

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

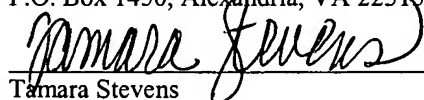
Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

CLT#4636996v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 11, 2004


Tamara Stevens



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/611,493 Confirmation No.: 3338
Applicant(s): Denham
Filed: July 1, 2003
Art Unit: 1734
Examiner: Mayes, Melvin C.
Title: METHOD OF FORMING A FLEXIBLE INSULATION BLANKET
HAVING A CERAMIC MATRIX COMPOSITE OUTER LAYER

Docket No.: 038190/264941
Customer No.: 00826

Commissioner for Patents
Washington, DC 20231

DECLARATION OF CHARLES T. SILBERBERG

Sir:

I, Charles T. Silberberg, hereby declare as follows:

1. I am an officer of McDonnell Douglas Corporation and currently serve as an Assistant Secretary. As such, I am empowered to act on behalf of the McDonnell Douglas Corporation, for certain purposes, including signing documents averring common ownership.
2. McDonnell Douglas Corporation became a wholly-owned subsidiary of The Boeing Company in August 1997. McDonnell Douglas remains and is currently a wholly-owned subsidiary of The Boeing Company.
3. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of United States

In re: Declaration of Charles T. Silberberg

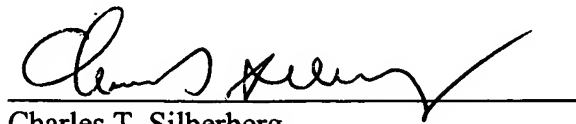
Appl. No.: 10/611,493

Filed: July 1, 2003

Page 2

Code and that such willful false statements may jeopardize the validity of the application or any parent issued thereon.

By:


Charles T. Silberberg

Title: Assistant Secretary
McDonnell Douglas Corporation

Date:

4/28/04

CUSTOMER NO. 000826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

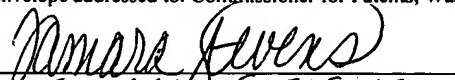
Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on May 11, 2004


TAMARAH STEVENS